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United States Senate

WASHINGTON, DC 20510-3405

January 5, 2004

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Bobby R. Acord
Administrator
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road Unit 118
Riverdale, Maryland 20737-1238

Re: Docket Number 03-080-1

Dear Administrator Acord,

I am writing to urge the indefinite delay of the finalization and implementation of your proposed rules which would allow the importation of live cattle from Canada. The recent case of bovine spongiform encephalopathy (BSE) in Washington state appears to have originated in Canada. As I have written to Secretary Veneman and said publicly over the past few weeks, this is evidence enough to delay this rule-making in order that our own industry is not threatened by this devastating disease.

Under the proposed rule, imports of certain live cattle under the age of 30 months would be allowed into the United States from a new "minimal risk" region as determined by the U.S. Department of Agriculture (USDA). At this time, only Canada would qualify under the proposed rule, although other regions that have experienced BSE could petition to USDA for market access to the United States.

Three factors stand out in the proposed rule that make it unwise to move forward:

1. In the commentary and accompanying economic analysis, the Department acknowledges "a theoretical increased risk" of introducing BSE into the United States because of this rule. The recent discovery of a BSE cow has shown the high price of this risk. Because this case appears to have originated in Canada, it seems foolish to reopen our borders until we have more certainty that Canadian beef is safe.
2. The Department admits in its commentary on the proposed rule that Canada does not qualify for BSE minimal risk status as set forth by the 164-nation World Organization of Animal Health, also known as the OIE. The OIE sets international guidelines for trade with nations known to have BSE. USDA justifies reducing the U.S. standard by saying "we considered the sum total of the control mechanisms (e.g., effectiveness of surveillance, import controls, and feed

ban) in place at the time of the diagnosis of BSE and the actions taken subsequently.” Obviously, the apparent import of a BSE cow from Canada has clearly shown the ineffectiveness of surveillance and import controls.

3. There is an enormous negative economic impact to small cattle producers in this country by opening the U.S. border to live cattle imports with little or no positive economic benefit to U.S. consumers. According to the Department’s economic analysis of the proposed rule, U.S. producers would supply 474,450 fewer head of cattle under the proposed rule, with a corresponding drop in prices of \$1.30 per hundredweight. Meanwhile, the analysis also indicates that consumers would probably not see any price declines as the result of the lifting of the ban.

The proposed rule will jeopardize the U.S. beef cattle industry worldwide, it will harm U.S. producers, and it won’t benefit consumers. I strongly urge you to suspend this rule-making and delay any reopening of the border with Canada.

Sincerely,


Byron L. Dorgan
United States Senate

Enclosure

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United States Senate

WASHINGTON, DC 20510-3405

December 29, 2003

The Honorable Ann Veneman
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Veneman,

The case of Bovine Spongiform Encephalopathy -- also known BSE or Mad Cow disease -- discovered in Washington last week requires decisive and immediate action on the part of the United States Department of Agriculture (USDA).

I recommend that the following steps be taken immediately.

- First, I believe you should suspend actions that you have underway to open the Canadian border to live imports of cattle. The cow that has been diagnosed in the U.S. appears to have originated in Alberta, Canada. I believe that is all the evidence that we need to suspend actions that were underway to reopen this border. The symptoms of this disease can take years to manifest themselves, and we need more information about Canada's effort to prevent BSE.
- Second, I believe you should convene a summit meeting of beef producers and consumers at the earliest possible time in January to develop a strategy to ensure we protect our beef industry and our consumers. I believe our beef supply is absolutely safe but we must give American consumers credible and reliable assurances that it is safe and wholesome.
- Third, I believe that USDA should support the amendment passed by the U.S. Senate this fall that would have prevented "downed animals" from going into the food supply for human consumption.
- Fourth, I strongly urge the Administration to stop opposing Country of Origin Labeling (COOL) regulations for meat. This requirement is now the law of the land and I urge you to work to implement this labeling. I believe that this case of BSE demonstrates that COOL will be helpful to American ranchers and protective of American consumers.

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Madame Secretary, this situation requires effective and decisive leadership. I urge you to consider these steps that I have proposed. I look forward to working with you to meet this challenge.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron", with a long horizontal stroke extending to the right.

Byron L. Dorgan
United States Senator